LIBRARY
SUPREME COURT, U. S.

FILED
MAY 27 1975
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

October Term, 1974

No. 74-1432

HARRY ERNEST RUBENS and JEANNE RUBENS,
Petitioners,

vs.

NEW YORK STOCK EXCHANGE, INC.; KIDDER, PEABODY & CO. INCORPORATED; MERRILL LYNCH, PIERCE, FENNER & SMITH, INC.,
Respondents.

WAIVER OF RIGHT TO FILE WRITTEN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

ANDREW J. CONNICK
One Chase Manhattan Plaza
New York, N. Y. 10005
Attorney for Respondent
New York Stock Exchange, Inc.

MILBANK, TWEED, HADLEY & MCCLOY
Of Counsel

MARK I. FISHMAN
48 Wall Street
New York, New York 10005
Attorney for Respondent
Kidder, Peabody & Co. Incorporated

SULLIVAN & CROMWELL
Of Counsel

THOMAS J. MULLANEY
One Liberty Plaza
New York, N. Y. 10006
Attorney for Respondent
Merrill Lynch, Pierce, Fenner & Smith, Inc.

BROWN, WOOD, FULLER, CALDWELL & IVEY
Of Counsel

IN THE

Supreme Court of the United States

October Term, 1974

No.

HARRY ERNEST RUBENS and JEANNE RUBENS,

Petitioners,

vs.

NEW YORK STOCK EXCHANGE, INC.; KIDDER, PEABODY & CO. INCORPORATED; MERRILL LYNCH, PIERCE, FENNER & SMITH, INC.,

Respondents.

WAIVER OF RIGHT TO FILE WRITTEN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

In view of the fact that this case clearly does not warrant review by the Supreme Court of the United States, as shown in the July 16, 1974 and March 18, 1974 opinions of Charles L. Brieant, U.S.D.J., reprinted at pages 3a-13a of the Appendix to the Petition and affirmed without opinion by the United States Court of Appeals for the Second Circuit on February 13, 1975 (App., p. 1a-2a), and in order to avoid burdening the Court, respondents hereby waive their right to file briefs in opposition to the Petition for a Writ of Certiorari.

Respectfully submitted,

ANDREW J. CONNICK
One Chase Manhattan Plaza
New York, N.Y. 10005
Attorney for Respondent
New York Stock Exchange, Inc.

MILBANK, TWEED, HADLEY & MCCLOY
of Counsel

MARK I. FISHMAN
48 Wall Street
New York, N.Y. 10005
Attorney for Respondent
Kidder, Peabody & Co. Incorporated

SULLIVAN & CROMWELL
of Counsel

THOMAS J. MULLANEY
One Liberty Plaza
New York, N.Y. 10006
Attorney for Respondent
Merrill Lynch, Pierce, Fenner
& Smith, Inc.

BROWN, WOOD, FULLER, CALDWELL & IVEY
of Counsel

May 23, 1975